

1 AN ACT relating to child welfare investigations.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 620.030 is amended to read as follows:

4 (1) Any person who knows or has reasonable cause to believe that a child is dependent,
5 neglected, or abused shall immediately cause an oral or written report to be made to
6 a local law enforcement agency or to the Department of Kentucky State Police, the
7 cabinet or its designated representative, the Commonwealth's attorney, or the county
8 attorney by telephone or otherwise. Any supervisor who receives from an employee
9 a report of suspected dependency, neglect, or abuse shall promptly make a report to
10 the proper authorities for investigation. If the cabinet receives a report of abuse or
11 neglect allegedly committed by a person other than a parent, guardian, fictive kin,
12 person in a position of authority, person in a position of special trust, or person
13 exercising custodial control or supervision, the cabinet shall refer the matter to the
14 Commonwealth's attorney or the county attorney and the local law enforcement
15 agency or the Department of Kentucky State Police. Nothing in this section shall
16 relieve individuals of their obligations to report. ***The entity or person who receives***
17 ***the oral or written report required by this section shall:***

18 ***(a) Retain and store any information received;***

19 ***(b) If receiving an oral report, notify the person making the report of the***
20 ***following information:***

21 ***1. The report is being recorded;***

22 ***2. The person's identity will be kept confidential; and***

23 ***3. There is a penalty for knowingly and intentionally making a false***
24 ***report; and***

25 ***(c) Use their best efforts to request and obtain the following information:***

26 ***1. The specific facts that gave rise to the reasonable suspicion of child***
27 ***dependency, neglect, or abuse and the source or sources of that***

1 information; and

2 2. The name, telephone number, and home address of the person making
3 the report.

4 (2) Any person, including but not limited to a physician, osteopathic physician, nurse,
5 teacher, school personnel, social worker, coroner, medical examiner, child-caring
6 personnel, resident, intern, chiropractor, dentist, optometrist, emergency medical
7 technician, paramedic, health professional, mental health professional, peace
8 officer, or any organization or agency for any of the above, who knows or has
9 reasonable cause to believe that a child is dependent, neglected, or abused,
10 regardless of whether the person believed to have caused the dependency, neglect,
11 or abuse is a parent, guardian, fictive kin, person in a position of authority, person in
12 a position of special trust, person exercising custodial control or supervision, or
13 another person, or who has attended such child as a part of his or her professional
14 duties shall, if requested, in addition to the report required in subsection (1) or (3) of
15 this section, file with the local law enforcement agency or the Department of
16 Kentucky State Police, the cabinet or its designated representative, the
17 Commonwealth's attorney, or county attorney within forty-eight (48) hours of the
18 original report a written report containing:

19 (a) The names and addresses of the child and his or her parents or other persons
20 exercising custodial control or supervision;

21 (b) The child's age;

22 (c) The nature and extent of the child's alleged dependency, neglect, or abuse,
23 including any previous charges of dependency, neglect, or abuse, to this child
24 or his or her siblings;

25 (d) The name and address of the person allegedly responsible for the abuse or
26 neglect; and

27 (e) Any other information that the person making the report believes may be

1 helpful in the furtherance of the purpose of this section.

2 (3) Any person who knows or has reasonable cause to believe that a child is a victim of
3 human trafficking as defined in KRS 529.010 shall immediately cause an oral or
4 written report to be made to a local law enforcement agency or the Department of
5 Kentucky State Police; or the cabinet or its designated representative; or the
6 Commonwealth's attorney or the county attorney; by telephone or otherwise. This
7 subsection shall apply regardless of whether the person believed to have caused the
8 human trafficking of the child is a parent, guardian, fictive kin, person in a position
9 of authority, person in a position of special trust, or person exercising custodial
10 control or supervision.

11 (4) Any person who knows or has reasonable cause to believe that a child is a victim of
12 female genital mutilation as defined in KRS 508.125 shall immediately cause an
13 oral or written report to be made by telephone or otherwise to:

- 14 (a) A local law enforcement agency or the Department of Kentucky State Police;
15 (b) The cabinet or its designated representative; or
16 (c) The Commonwealth's attorney or the county attorney.

17 This subsection shall apply regardless of whether the person believed to have
18 caused the female genital mutilation of the child is a parent, guardian, or person
19 exercising custodial control or supervision.

20 (5) Neither the husband-wife nor any professional-client/patient privilege, except the
21 attorney-client and clergy-penitent privilege, shall be a ground for refusing to report
22 under this section or for excluding evidence regarding a dependent, neglected, or
23 abused child or the cause thereof, in any judicial proceedings resulting from a report
24 pursuant to this section. This subsection shall also apply in any criminal proceeding
25 in District or Circuit Court regarding a dependent, neglected, or abused child.

26 (6) The cabinet upon request shall receive from any agency of the state or any other
27 agency, institution, or facility providing services to the child or his or her family,

1 such cooperation, assistance, and information as will enable the cabinet to fulfill its
2 responsibilities under KRS 620.030, 620.040, and 620.050.

3 (7) Nothing in this section shall limit the cabinet's investigatory authority under KRS
4 620.050 or any other obligation imposed by law.

5 (8) Any person who intentionally violates the provisions of this section shall be guilty
6 of a:

7 (a) Class B misdemeanor for the first offense;

8 (b) Class A misdemeanor for the second offense; and

9 (c) Class D felony for each subsequent offense.

10 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 605 IS CREATED TO
11 READ AS FOLLOWS:

12 **(1) Any person who knows or has reasonable cause to believe that a violation of any**
13 **provision of KRS Chapters 600 to 645 relating to a child in out-of-home**
14 **placement has been or is being committed by any person, corporation, or entity,**
15 **shall report or cause to be reported to the Office of the Ombudsman and**
16 **Administrative Review within the cabinet the following information, if known:**

17 **(a) The name and address of the offender;**

18 **(b) The offender's place of employment;**

19 **(c) The nature and extent of the violation;**

20 **(d) The identity of the complainant; and**

21 **(e) Any other information that the receiving person reasonably believes might**
22 **be helpful in investigation of the alleged fraud, abuse, or misappropriation.**

23 **(2) The identity of any person making a report under this section shall be considered**
24 **confidential by the receiving party. Any person making a report under this**
25 **section regarding the offenses of another shall not be liable in any civil or**
26 **criminal action based on the report if it was made in good faith.**

27 **(3) The cabinet, or any person, corporation, or entity it contracts with, shall not,**

1 without just cause, discharge or in any manner discriminate or retaliate against
2 any person who in good faith makes a report permitted by this section, testifies, or
3 is about to testify, in any proceeding, including but not limited to a legislative
4 hearing, with regard to any report or investigation so long as the person making
5 the good-faith report does not publically disclose the names of children, parents,
6 guardians, or custodians involved in a dependency, abuse, or neglect
7 investigation being conducted pursuant to KRS Chapter 620. Any individual
8 injured by any act in violation of this subsection shall have a civil cause of action
9 in Circuit Court to enjoin further violations, and to recover the actual damages
10 sustained, together with the costs of the lawsuit, including a reasonable fee for
11 the individual's attorney of record.

12 (4) No employee of the cabinet shall notify the alleged offender of the identity of the
13 person who in good faith makes a report permitted by this section nor shall the
14 employee notify the alleged offender that a report has been made alleging a
15 violation of any provision of KRS Chapters 600 to 645 until such time as civil or
16 criminal proceedings have been initiated or a formal investigation has been
17 initiated. Any information or report concerning an alleged offender shall be
18 considered confidential in accordance with the Kentucky Open Records Law,
19 KRS 61.870 to 61.884.